

**REMARKS**

I. Summary of the Office Action

Claims 1-5, 7, 9-14, 18-32, 34, 36-42, 47-63, 65-90, and 92-109, and 124-129 were pending in this application.

Claims 1-5, 10, 11, 13, 14, 18, 19, 23, 24, 26-33, 35, 37, 38, 42-44, 48, 49, 53, 54, and 56 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue et al. U.S. Patent No. 5,884,141 (hereinafter "Inoue") in view of Lortz U.S. Patent No. 6,349,410 (hereinafter "Lortz").

Claims 7, 9, 34, and 36 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Lortz, and in further view of Ismail et al. U.S. Patent No. 6,614,987 (hereinafter "Ismail").

Claims 12, 39, and 47 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Lortz, and in further view of Baker et al U.S. Patent No. 5,583,561 (hereinafter "Baker").

Claims 20, 21, 50, and 51 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Lortz, and in further view of Banker et al. U.S. Patent No. 5,357,276 (hereinafter "Banker").

Claims 22, 25, 52, and 55 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Lortz, and in further view of White et al. U.S. Patent No. 6,392,664 (hereinafter "White").

Claims 57, 60, 62-63, 66-69, 71, 74, 77, 78, 80, 81, 86, 89, 90, 93-96, 99, 100, 103, 106, 107, 109, and 124-129 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Lortz, and in further view of Armstrong et al. U.S. Patent No. 7,017,173 ("Armstrong").

Claims 65 and 92 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Lortz, and in further view of Armstrong and Ismail.

Claims 58, 59, 61, 70, 82-85, 87, 88, 97, and 98 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Lortz, and in further view of Armstrong and Banker.

Claims 75 and 104 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Lortz, and in further view of Armstrong and Banker.

Claims 72, 73, 76, 79, 101, 102, 105, and 108 were rejected under 35 U.S.C. § 103(a) as being obvious from Inoue in view of Lortz, and in further view of Armstrong and White.

## II. Summary of Applicants' Reply

Applicants have amended independent claims 1, 27, 57, and 81, as well as dependent claims 125 and 127-129, to more particularly define the claimed invention. No new matter has been added and the amendments are fully supported by the originally filed specification. See, e.g., p. 10, ll. 9-11; p. 15, ll. 25-29; and p. 18, l. 26 through p. 19, l. 9. Applicants respectfully traverse the Examiner's rejections.

## III. Applicants' Reply to the Rejections of Claims 1 and 27

Applicants' independent claims 1 and 27 are directed to a method and system for substituting pause-time content in place of media that is paused using an interactive media application. The interactive media application is implemented at least partially on user equipment that includes a storage for storing a plurality of pause-time

content local to a user. The user is provided with the ability to pause media. Local to the user, one of the plurality of pause-time content stored in the local storage is automatically determined. The determined pause-time content is then played while the media is paused.

The Examiner rejected applicants' previously pending independent claims 1 and 27, which recited a pause-time content database provided on user equipment, as being obvious from Inoue in view of Lortz. Applicants respectfully disagree and submit that Inoue and Lortz fail to show any type of storage implemented on user equipment for storing a plurality of pause-time content. Therefore, applicants submit that the rejection is improper at least because the combination of Inoue and Lortz fails to show or suggest (A) a storage implemented on user equipment for storing a plurality of pause-time content, and (B) local to the user, automatically determining which of the plurality of pause-time content to play while the media is paused. Moreover, applicants respectfully submit that the combination is improper, because (C) one of ordinary skill in the art would not combine the references in the manner suggested by the Examiner.

- A. Inoue and Lortz fail to disclose a local pause-time content database with a plurality of pause-time content

The Examiner asserts that the combination of Inoue and Lortz show a pause-time content database implemented on user equipment for storing a plurality of pause-time content, as recited in applicants' previously pending claims 1 and 27. In particular, on page 3 of the Office Action, the Examiner

cites to hard disk 15 in col. 6, ll. 20-33 of Inoue as allegedly showing a pause-time content database implemented on user equipment. The Examiner then cites to col. 2, ll. 66-67 and col. 3, ll. 45-47 of Lortz as allegedly showing that a pause-time content database can contain a plurality of pause-time content local to a user (Office Action, page 4). Applicants respectfully disagree and submit that these sections cited by the Examiner do not provide any form of storage on user equipment that stores a plurality of pause-time content.

First, contrary to the Examiner's contentions, the section of Inoue cited by the Examiner does not show that Inoue's hard disk 15 reads on applicants' claimed storage for locally storing a plurality of pause-time content. Rather, the section of Inoue cited by the Examiner merely discloses that during a pause, a video program may be recorded onto hard disk 15 and that the video program being recorded "may continue to be displayed." Thus, Inoue discloses that the video program continues to be displayed during the pause, rather than being retrieved and displayed from hard disk 15. In fact, Inoue specifically discloses that the version of the video program stored in hard disk 15 is read back only after a resume command is received, and not during the pause (col. 6, line 38-42). Inoue therefore fails to disclose a storage on user equipment from which pause-time content can be retrieved and played during a pause. For at least this reason, applicants respectfully submit that Inoue fails to show or suggest applicants' claimed storing pause-time content in a storage on user equipment.

Applicants further submit that none of the disclosure in Lortz, including the sections cited by the

Examiner, make up for the deficiency in Inoue. In particular, neither section of Lortz cited by the Examiner disclose a storage on user equipment for storing a plurality of pause-time content local to a user. The first section cited by the Examiner (e.g., col. 2, ll. 66-67) refers to a web server that provides web content over the Internet. On page 4 of the Office Action, the Examiner implicitly acknowledges that the web server does not show a local storage on user equipment.

The Examiner contends that the second cited section of Lortz (e.g., col. 3, ll. 45-47) shows that pause-time content in the form of web content, streaming audio, or streaming video may be stored locally at a set top box. Applicants respectfully disagree and submit that none of these types of content are stored on a set top box in Lortz and retrieved and played during a pause. Firstly, applicants submit that Lortz does not disclose that web content may be stored on the set top box and retrieved for display during a pause. Rather, Lortz discloses that a signal stream with embedded URLs may be stored on the set top box (col. 3, ll. 43-44 and 48-49). The embedded URLs are used to obtain the web content from a remote web server, and are not themselves displayed to a user while media is paused (col. 3, ll. 59-61). Therefore, neither the embedded URLs nor the web content reads on applicants' claimed pause-time content that is stored in a storage on user equipment and played while media is paused.

Secondly, applicants respectfully submit that Lortz does not disclose that streaming audio or streaming video is stored locally, then retrieved from storage and played during a pause, as required by applicants' claimed pause-time

content. Lortz teaches that the web content displayed during a pause may be streaming audio or streaming video (col. 3, ll. 1-8). However, as described above, this web content displayed during a pause (regardless of whether the web content is streaming audio, streaming video, or static web pages) is obtained from a remote web server and not from a storage on user equipment. Despite this disclosure, the Examiner cites to col. 3, ll. 45-47 of Lortz, which refers to storing streaming audio or video on a set top box, and contends that this section of Lortz shows applicants' claimed locally storing pause-time content. However, in this section, Lortz discloses that, instead of having a TV signal stream as the live data stream that can be paused, the streaming audio or streaming video is used as the live signal stream which includes embedded URLs to other web pages (col. 3, ll. 41-43). Therefore, Lortz only discloses storing the streaming audio or video when the streaming audio or video is used as the content that can be paused, not as the content played during a pause, as required by applicants' claimed pause-time content.

Because Lortz fails to disclose that web content, streaming audio, or streaming video is stored in a set top box and retrieved and played while media is paused, applicants respectfully submit that Lortz fails to show a plurality of pause-time content that is stored on a storage on user equipment, as required by applicants' independent claims 1 and 27.

In view of the foregoing, applicants respectfully submit that Inoue and Lortz, taken alone or combination, fail to show or suggest a storage on user equipment for storing a plurality of pause-time content, as required by applicants'

independent claims 1 and 27. For at least this reason, applicants respectfully submit that the rejection of claims 1 and 27, and dependent claims 2-5, 7, 9-14, 18-32, 34, 36-42, 47-63, 65, and 124-127 which depend therefrom, should be withdrawn.

B. Inoue and Lortz fail to disclose automatically determining, local to the user, which of the plurality of pause-time content to display

On page 3 of the Office Action, the Examiner cites to Inoue's col. 6, ll. 30-33 as allegedly showing applicants' claimed automatically determining which of a plurality of pause-time content to display. Applicants respectfully disagree. This section of Inoue merely describes different content (e.g., a program, a graphics screen, etc.) that is displayed in alternate embodiments of the Inoue system. Nowhere does Inoue show or suggest that a single embodiment of the Inoue system may choose between the different content for display while media is paused. For at least this reason, applicants respectfully submit Inoue does not show or suggest, local to the user, automatically determining which of the plurality of pause-time content to play, as required by applicants' claimed invention.

Applicants further disagree with the Examiner's statement that "the microprocessor inherently determines which pause-time content to [display], otherwise, no display could take place" (Office Action, page 3) Applicants submit that the Inoue system does not need to determine which pause-time content to play of the plurality of pause-time content stored in the storage on user equipment, as required by applicants' claimed invention, because the Inoue system does

not have a plurality of pause-time content to choose from. The Examiner even acknowledges that that Inoue fails to show that a plurality of pause-time content is stored on user equipment (Office Action, page 4). Moreover, instead of performing the determination required by applicants' claimed invention, the Inoue system can simply perform the same operation each time a pause command is received (e.g., can always continue to display the video program during a pause). Therefore, contrary the Examiner's contention, it is not inherent that Inoue's microprocessor determines which of a plurality of pause-time content to play. For at least this additional reason, applicants respectfully submit Inoue does not show or suggest, local to the user, automatically determining which of the plurality of pause-time content to play, as required by applicants' claimed invention.

In view of the foregoing, applicants respectfully submit that Inoue and Lortz, taken alone or combination, fail to show or suggest, local to the user, automatically determining which of the plurality of pause-time content to play, as required by applicants' independent claims 1 and 27. For at least this reason, applicants respectfully submit that the rejection of claims 1 and 27, and dependent claims 2-5, 7, 9-14, 18-32, 34, 36-42, 47-63, 65, and 124-127 which depend therefrom, should be withdrawn.

C. One of ordinary skill in the art would not combine Inoue and Lortz in the manner suggested by the Examiner

Applicants respectfully submit that, contrary to the Examiner's contention, one of ordinary skill in the art would not combine Inoue and Lortz to produce applicants'



claimed invention. In fact, applicants submit that the reasoning provided by the Examiner for why one would combine these two references would produce an entirely different system structure than that of applicants' claimed invention.

To support his contention that one of ordinary skill would combine Inoue and Lortz, the Examiner states:

"[I]t would have been obvious to a person of ordinary skill in the art, to modify the broadcasted media programs, as taught by Inoue, using the embedded URLs ... displayed when a TV broadcast program is paused, as taught by Lortz, for the purpose of coordinating the display of an incoming signal stream on a display with web browsing"

Assuming *arguendo* that one of ordinary skill would combine Inoue and Lortz using the reasoning provided in the Examiner's statement, applicants respectfully submit that the resulting combination would not produce applicants' claimed invention. By modifying Inoue using the embedded URLs of Lortz, one of ordinary skill would still create a system in which web content stored in a remote web server (and obtained using the embedded URLs) is used as the content displayed during a pause. Thus, the combination would at least fail to show a storage on user equipment for storing a plurality of pause-time content, as required by applicants' claimed invention. The Examiner has therefore not provided any logical reason for why one of ordinary skill in the art would combine Inoue and Lortz to obtain the features of applicants' independent claims 1 and 27. For at least this additional reason, applicants respectfully submit that the rejection of claims 1 and 27, and dependent claims 2-5, 7, 9-14, 18-32, 34, 36-42, 47-63, 65, and 124-127 which depend therefrom, should be withdrawn.

IV. Applicants' Reply to the Rejections  
of Claims 57 and 81

Applicants' independent claims 57 and 81 are directed to a method and system for substituting pause-time content in place of media that is paused using an interactive media application. A user is provided with the ability to pause media. Local to the user, targeted pause-time content is determined based on at least one of monitored user interests and predetermined criteria defined by the user. The targeted pause-time content is played while the media is paused.

The Examiner rejected applicants' independent claims 57 and 81 as being obvious from Inoue, Lortz, and Armstrong. In the rejection of claims 57 and 81, the Examiner contends that Lortz discloses that the subject matter of the substituted pause-time content is related to the subject matter of the paused media (Office Action, page 15). Applicants wish to point out that applicants' claims 57 and 81 were previously amended to remove this limitation. Therefore, applicants respectfully submit that the pause-time content in claims 57 and 81 should not be limited to being related in subject matter to the paused media.

On page 15 of the Office Action, the Examiner acknowledges that Inoue and Lortz fail to disclose applicant's claimed determining targeted pause-time content to display while the media is paused based on monitored user activity, and relies on Armstrong to show this feature. Applicants note, however, that applicants' claims 57 and 81 not only specify that the targeted pause-time content is determined based on monitored user activities or

predetermined criteria defined by the user, but also that the targeted pause-time content is determined local to a user. In applicants' previous Reply to Office Action filed October 31, 2008, applicants argued that Armstrong fails to show that the targeted pause-time content is determined local to the user. The Examiner appears to have overlooked these arguments, since no response was provided in the current Office Action. Applicants respectfully submit that applicants' claims are allowable for at least the reason that the determination is not performed local to the user, and request that the Examiner consider the previously filed arguments should the Examiner disagree with applicants on this point.

In view of the foregoing, applicants respectfully submit that the rejection of independent claims 57 and 81, as well as dependent claims 58-63, 65-80, 82-90, 92-109, 128, and 129 which depend therefrom, should be withdrawn.

V. Conclusion

In view of the foregoing, claims 1-5, 7, 9-14, 18-32, 34, 36-42, 47-63, 65-90, and 92-109, and 124-129 are in condition for allowance. This application is therefore in condition for allowance. Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

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